

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:10-cv-00159-MR

SOCIEDAD ESPANOLA DE )  
ELECTROMEDICINA Y )  
CALIDAD, S.A., )  
                          )  
                          )  
Plaintiffs, )  
                          )  
                          )  
vs. )  
                          )  
                          )  
BLUE RIDGE X-RAY CO., INC., )  
DRGEM USA, INC., and )  
DRGEM CORP., )  
                          )  
Defendants. )  
                          )  
                          )  
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**AMENDED JUDGMENT**

**THIS MATTER** was called for trial and was heard by the undersigned judge, and a jury was duly empaneled and has answered the issues presented as follows:

1. Do the Defendants' accused products infringe one or more of the claims of the '829 Patent?

ANSWER: YES

2. What amount of damages, if any, is adequate to compensate the Plaintiff for the Defendants' infringement?

ANSWER: \$852,000

3. Was DRGEM USA, Inc.'s infringement of the '829 Patent willful?

ANSWER: YES

4. Was DRGEM Corp.'s infringement of the '829 Patent willful?

ANSWER: YES

Based on the foregoing facts as found by the jury, the Court concludes as a matter of law that the Defendants Blue Ridge X-Ray Co., Inc., DRGEM USA, Inc., and DRGEM Corp. infringed U.S. Patent No. 6,642,829, and that the infringement committed by DRGEM USA, Inc. and DRGEM Corp. was willful. Accordingly, the Defendants' counterclaim for a declaratory judgment regarding non-infringement is dismissed. The Court previously entered an Order granting the Plaintiff summary judgment with respect to the Defendants' counterclaim for a declaratory judgment regarding the invalidity of the '829 Patent, and that counterclaim shall also be dismissed.

**IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED** as follows:

- (1) The Plaintiff Sociedad Espanola de Electromedicina y Calidad, S.A. shall have and recover of the Defendants Blue Ridge X-Ray Co., Inc.,

DRGEM USA, Inc. and DRGEM Corp., jointly and severally, the sum of \$852,000.

(2) All counterclaims asserted by the Defendants are dismissed with prejudice.

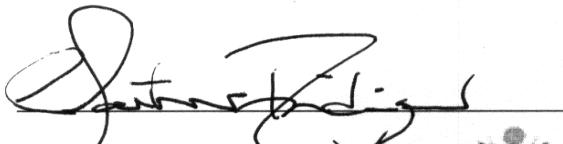
(3) In the exercise of its discretion, the Court declines to award attorneys' fees and enhanced damages to the Plaintiff, and the Plaintiff's claims for such are dismissed with prejudice.

(4) The Plaintiff is awarded pre-judgment interest at a simple interest rate of 3.39% from March 5, 2008 to July 8, 2016.

(5) The Plaintiff is further awarded post-judgment interest of 0.45% on the total judgment, which includes the damages award of \$852,000, the pre-judgment interest award as assessed by this Judgment, and any costs as assessed by the Clerk of Court.

**IT IS SO ORDERED.**

Signed: December 28, 2016



Martin Reidinger  
United States District Judge

